

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MARCO BATISTA,

Petitioner.

No. 11-cr-346 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of a letter, dated July 24, 2023, from Defendant Marco Batista, requesting that the Court (1) vacate his conviction under 18 U.S.C. § 924(c) in light of the Second Circuit's decision in *United States v. Barrett*, 937 F.3d 126 (2d Cir. 2019) and (2) resentence Batista to time served. (Doc. No. 94.) IT IS HEREBY ORDERED THAT the government shall file a response to Batista's letter no later than August 7, 2023. IT IS FURTHER ORDERED THAT Batista shall file his reply, if any, by August 14, 2023. IT IS FURTHER ORDERED THAT the parties shall appear for a resentencing proceeding on August 22, 2023 at 10:00 a.m. in Courtroom 21C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.

IT IS FURTHER ORDERED THAT the government shall notify victims of Batista's request for resentencing. The government shall apprise the Court of all victims who wish to be heard in connection with the pending request and shall attach all written victim statements, with proper redactions, to its August 7, 2023 submission. In the event that additional victim statements

are received after August 7, 2023, the government shall forward those statements, with proper redactions, to the Court via the Court's Electronic Case Filing system.

SO ORDERED.

Dated: July 25, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'R. Sullivan', is written over a horizontal line.

RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation